



The Journal OF THE *House of Representatives*

Number 16

Thursday, April 20, 2006

The House was called to order by the Speaker at 9:00 a.m.

Prayer

The following prayer was offered by the Reverend Michael Warren of Pleasant View Baptist Church of Apopka, upon invitation of Rep. Brummer:

God of our weary years, God of our silent tears, Thou who has brought us thus far on the way, we are mindful of Your love, Your kindness, and Your mercies. We thank You for the privilege to live in the great state of Florida, the land of flowers, the land of sunshine. We thank You for having drawn the plans, the blueprints, and the specifications for this, our government. We thank You for these who are assembled in this place to deliberate. We pray, just now, that as they do the people's business, that You would guide their decisions, that they would always know that the earth is the Lord's and the fullness thereof, the world and they that dwelled therein. In Your name we pray. Amen.

The following members were recorded present:

Session Vote Sequence: 788

Speaker Bense in the Chair.

Adams	Davis, M.	Jennings	Rice
Allen	Dean	Johnson	Richardson
Altman	Detert	Jordan	Rivera
Ambler	Domino	Joyner	Robaina
Anderson	Evers	Justice	Roberson
Antone	Farkas	Kendrick	Ross
Arza	Fields	Kottkamp	Rubio
Ausley	Galvano	Kravitz	Ryan
Barreiro	Gannon	Kreegel	Sands
Baxley	Garcia	Legg	Sansom
Bendross-Mindingall	Gardiner	Littlefield	Seiler
Benson	Gelber	Llorente	Simmons
Berfield	Gibson, A.	Lopez-Cantera	Slosberg
Bilirakis	Gibson, H.	Machek	Sobel
Bogdanoff	Glorioso	McInvale	Sorensen
Bowen	Goldstein	Meadows	Stansel
Brandenburg	Goodlette	Mealor	Stargel
Brummer	Grant	Murzin	Taylor
Brutus	Greenstein	Negron	Traviesa
Bucher	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Planas	Waters
Clarke	Hays	Poppell	Williams
Coley	Henriquez	Porth	Zapata
Cretul	Holloway	Proctor	
Culp	Homan	Quinones	
Cusack	Hukill	Reagan	

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Joey Genta of Naples at the invitation of Rep. Goodlette; Zachary Lassiter of Jacksonville at the invitation of Rep. D. Davis; Zachary D. L'Hote of East Hampton, CT at the invitation of Rep. Goodlette; Jenna Platt of Winter Haven at the invitation of Rep. Bowen; Michael Raynor, Jr. of Tallahassee at the invitation of the Speaker; Travis Ross of Lakeland at the invitation of Rep. Ross; Monica Diaz of Miami at the invitation of Rep. Llorente; and Sean Duarte of Tallahassee at the invitation of Rep. Barreiro.

House Physicians

The Speaker introduced Dr. Edward Gillett and Dr. Jessie Tippet of St. Petersburg, who served in the Clinic today. Dr. Gillett and Dr. Tippet served at the invitation of Rep. Berfield.

Correction of the *Journal*

The *Journal* of April 19 was corrected and approved as corrected.

Changes in Conference Committee Appointments

The Speaker advised that he had appointed the following additional managers to the Conference Committee: Rep. Allen, Agriculture & Environment and Rep. Quinones, Judiciary.

Membership of the Conference Committee on HB 5001 and related legislation (HB 5003, HB 5005, HB 5007, HB 5009, HB 5011, HB 5013, HB 5017, HB 5019, HB 5021, and HB 5023): At Large—Rep. Negron (Chair), Rep. Mahon (Vice Chair), and Reps. Gardiner, Waters, Goodlette, Rubio, Bowen, Brummer, Simmons, Greenstein, Jennings, Seiler, Ryan, and Sansom; Agriculture & Environment—Rep. Mayfield (Chair), and Reps. Brown, Littlefield, Hays, Poppell, Machek, Stansel, Kendrick (Alternate), Williams, Evers, and Allen; Education—Rep. Pickens (Chair), and Reps. Rivera, Attkisson, Baxley, Flores, Altman, Arza, Stargel, Vana, Bendross-Mindingall, Richardson, Justice (Alternate), Patterson, Coley, and Mealor; Health Care—Rep. Bean (Chair), and Reps. Benson, Cannon, Farkas, Galvano, Garcia, Murzin, Gannon, Sobel, Grimsley (Alternate), Roberson (Alternate), Grant, and Hukill; Criminal Justice—Rep. Barreiro (Chair), and Reps. Adams, Ambler, Needelman, Joyner, and Porth; Judiciary—Rep. Kottkamp (Chair), and Reps. Ross (Alternate), Planas, Gelber, Zapata, and Quinones; State Administration—Rep. Berfield (Chair), and Reps. Carroll, Kreegel, Reagan, Lopez-Cantera (Alternate), A. Gibson (Alternate), Taylor,

and Holloway; Transportation & Economic Development—Rep. D. Davis, (Chair), and Reps. M. Davis, Kravitz, Llorente, Traviesa, Ausley, Cusack, McInvale (Alternate), and Bogdanoff.

Reports of Councils and Standing Committees

Reports of the Rules & Calendar Council

The Honorable Allan G. Bense
Speaker, House of Representatives

April 18, 2006

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Thursday, April 20, 2006. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

HB 411 - Roberson, Homan
Psychotherapist-Patient Privilege

SB 1400 - Smith
Psychotherapist-patient Privilege

HB 3 - Berfield, Goldstein, & others
Florida Birth-Related Neurological Injury Compensation Plan

SB 542 - Jones, Lynn
Birth-Related Neurological Injury

HB 1027 CS - Hasner, Coley, & others
Biomedical Research

HB 157 CS - Littlefield, Ambler, & others
Homestead Assessments

CS/SB 264 - Government Efficiency Appropriations, Fasano, & others
Homestead Assessments

HB 341 - Dean
Citrus/Hernando Waterways Restoration Council

SB 496 - Argenziano, Fasano
Citrus/Hernando Waterways Council

HB 61 CS - Quinones, Bogdanoff, & others
Testing of DNA Evidence

HB 687 CS - Adams, Clarke
Public Records

HB 285 - Needelman, Altman, & others
Emergency Management

HB 425 CS - Mahon, Stargel
Florida Trust Code

HB 649 CS - Hasner, Sansom
Warranty Associations

HB 795 CS - Flores, Bendross-Mindingall, & others
Student Financial Assistance

HB 805 CS - Benson
Plans, Policies, Contracts, and Programs for the Provision of Health Care Services

HB 1145 CS - Evers, Arza, & others
Official State Designations

HR 1627 - Kyle

Unanimity of Jury Recommendations in Death Penalty Cases

HB 7151 - Civil Justice Committee, Mahon
Adoption

HB 7175 CS - Environmental Regulation Committee, Needelman
Vessels

HB 7205 - Criminal Justice Committee, Kravitz
Death Penalty

HB 55 - Smith, Bullard, & others
Restoration of Civil Rights

HB 255 CS - Troutman, Antone, & others
Farm Labor Vehicles

HB 7085 - Domestic Security Committee, Adams
Succession to the Office of Governor

HB 761 - Carroll, Bean, & others
Trespass on the Property of a Certified Domestic Violence Center

HB 947 CS - Legg, Flores, & others
Long-Term Care Coverage

HB 1221 - Cannon, Arza
District School Boards

HB 7089 - Tourism Committee, Detert, & others
Facilities for Retained Spring Training Franchises

HB 871 CS - Ryan, Justice, & others
Telephone Calling Records

HB 189 CS - Williams, Allen, & others
Building Designations

HB 375 CS - Barreiro, Roberson
Motor Vehicle Registration Forms

HB 147 - Kravitz, Hasner
Criminal Prosecutions

HB 25 - Negron, Berfield, & others
Violent Felony Offenders

HB 439 CS - Planas, Altman, & others
Certificates of Birth and Death

HB 5043 - Fiscal Council, Negron
Trust Funds

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
J. Dudley Goodlette, Chair
Rules & Calendar Council

On motion by Rep. Goodlette, the above report was adopted.

Immediately Certified

On motion by Rep. Goodlette, the rules were waived and **HB 7051** and **HB 7161**, which passed the House April 19, were immediately certified to the Senate.

Motions Relating to Council and Committee References

On motion by Rep. Goodlette, by the required two-thirds vote, HB 7223 was withdrawn from the Health Care Regulation Committee and remains referred to the State Administration Council; HB 1097 was withdrawn from the Insurance Committee and remains referred to the State Administration Council; and HB 7235 was withdrawn from the Judiciary Committee and remains referred to the Fiscal Council.

On motion by Rep. Negron, by the required two-thirds vote, HB 471 was withdrawn from the Agriculture & Environment Appropriations Committee and remains referred to the State Resources Council; HB 7131 was withdrawn from the Transportation & Economic Development Appropriations Committee and remains referred to the State Resources Council; HB 755 was withdrawn from the State Administration Appropriations Committee and remains referred to the State Administration Council; and HB 7155 and HB 1161 were withdrawn from the Fiscal Council and remain referred to the State Administration Council.

Bills and Joint Resolutions on Third Reading

HB 1335—A bill to be entitled An act relating to Monroe County; providing definitions; authorizing teleconferencing attendance by county commissioners to qualify for a quorum at certain meetings; requiring compliance with certain public meetings laws; providing for future repeal; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 789

Speaker Bense in the Chair.

Yeas—113

Adams	Cusack	Jennings	Reagan
Allen	Davis, D.	Johnson	Rice
Altman	Davis, M.	Joyner	Richardson
Ambler	Dean	Justice	Rivera
Anderson	Detert	Kendrick	Robaina
Antone	Domino	Kottkamp	Roberson
Arza	Evers	Kravitz	Ross
Ausley	Farkas	Kreegel	Rubio
Barreiro	Fields	Kyle	Russell
Baxley	Flores	Legg	Ryan
Bean	Galvano	Littlefield	Sands
Bendross-Mindingall	Gannon	Llorente	Sansom
Bense	Garcia	Lopez-Cantera	Seiler
Benson	Gardiner	Machek	Simmons
Berfield	Gelber	Mahon	Slosberg
Bilirakis	Gibson, A.	Mayfield	Smith
Bogdanoff	Gibson, H.	McInvale	Sobel
Bowen	Glorioso	Meadows	Sorensen
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Taylor
Brummer	Grant	Negron	Traviesa
Brutus	Greenstein	Patterson	Troutman
Bucher	Grimsley	Peterman	Vana
Cannon	Harrell	Pickens	Waters
Carroll	Hasner	Planas	Williams
Clarke	Hays	Poppell	Zapata
Coley	Henriquez	Porth	
Cretul	Homan	Proctor	
Culp	Hukill	Quinones	

Nays—None

Votes after roll call:

Yeas—Attkisson, Bullard, Goldstein, Holloway, Jordan, Stargel

So the bill passed and was certified to the Senate.

HB 1299—A bill to be entitled An act relating to areas of critical state concern; amending s. 125.0108, F.S.; authorizing the continued levy of the tourist impact tax for a certain period in areas of critical state concern removed from designation; providing for continued levy beyond that period pursuant to referendum approval of an ordinance reauthorizing the levy; amending s. 212.055, F.S.; authorizing certain counties to continue the use of a portion of local government infrastructure surtax proceeds for certain purposes for a certain period after removal of designation of an area as an area of critical state concern; providing for continued use of a portion of such proceeds for certain purposes pursuant to ordinance; amending s. 380.0552, F.S.; providing requirements, procedures, and criteria for Administration Commission removal of designation of the Florida Keys Area as an area of critical state concern; requiring removal of the designation under certain circumstances; providing for judicial review of Administration Commission determinations; requiring review of proposed comprehensive plans and amendments to existing plans after removal of designation and providing review criteria; amending s. 380.0666, F.S.; revising the powers of a land authority in an area of critical state concern to acquire property to provide affordable housing; providing for continued power of a land authority to acquire property within an area of critical state concern removed from designation; amending s. 380.0674, F.S.; providing for the continuation of a land authority in an area of critical state concern after removal of the designation; amending s.4, ch. 99-395, Laws of Florida; authorizing local governments in areas of critical state concern removed from designation to continue to enact ordinances relating to central sewerage systems; providing for continuation of existing state liability in certain inverse condemnation actions related to the Florida Keys Area after removal of designation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 790

Speaker Bense in the Chair.

Yeas—92

Adams	Clarke	Hasner	Planas
Allen	Coley	Hays	Poppell
Altman	Cretul	Homan	Proctor
Ambler	Culp	Hukill	Quinones
Anderson	Davis, D.	Johnson	Reagan
Antone	Davis, M.	Jordan	Rice
Arza	Dean	Kendrick	Rivera
Attkisson	Detert	Kottkamp	Robaina
Ausley	Domino	Kravitz	Ross
Barreiro	Evers	Kreegel	Rubio
Baxley	Farkas	Kyle	Russell
Bean	Flores	Legg	Sands
Bendross-Mindingall	Galvano	Littlefield	Sansom
Bense	Garcia	Llorente	Seiler
Benson	Gardiner	Lopez-Cantera	Simmons
Berfield	Gibson, A.	Mahon	Smith
Bilirakis	Gibson, H.	Mayfield	Sorensen
Bogdanoff	Glorioso	McInvale	Stansel
Bowen	Goldstein	Meadows	Stargel
Brown	Goodlette	Mealor	Traviesa
Brummer	Grant	Murzin	Troutman
Cannon	Greenstein	Patterson	Williams
Carroll	Grimsley	Pickens	Zapata

Nays—26

Brandenburg	Gottlieb	Machek	Slosberg
Brutus	Harrell	Negron	Sobel
Bucher	Henriquez	Peterman	Taylor
Cusack	Holloway	Porth	Vana
Fields	Jennings	Richardson	Waters
Gannon	Joyner	Roberson	
Gelber	Justice	Ryan	

Votes after roll call:

Yeas—Bullard

So the bill passed, as amended, and was certified to the Senate.

HB 73 was taken up. On motion by Rep. Farkas, CS for CS for SB 1328 was substituted for HB 73. Under Rule 5.14, the House bill was laid on the table.

CS for CS for SB 1328—A bill to be entitled An act relating to the unlawful taking of personal property or equipment; amending s. 812.014, F.S.; providing that the theft of property that has been deployed by a law enforcement officer is grand theft in the first degree; providing criminal penalties; creating s. 812.0147, F.S.; providing that it is a second-degree felony to possess or use a fifth wheel to commit or attempt to commit theft; providing criminal penalties; amending s. 812.155, F.S.; deleting the requirement to prove fraudulent intent in prosecutions related to the theft of personal property or equipment; providing that failure to return rental property within a specified time is evidence of abandonment or refusal to redeliver the property; deleting a provision that certain actions constitute prima facie evidence of fraudulent intent; deleting a provision specifying that the prohibition against obtaining personal property or equipment with intent to defraud does not apply to a rental-purchase agreement unless the rental store retains title to the property or equipment throughout the period of the rental-purchase agreement; amending s. 921.0022, F.S.; classifying the offense of stealing property deployed by a law enforcement officer under the offense severity ranking chart of the Criminal Punishment Code; reenacting s. 985.227(1)(a), F.S., relating to prosecution of juveniles as adults, in order to incorporate the amendment to s. 812.014, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

A vote was taken on CS for CS for SB 1328 [Session Vote Sequence: 791]. Subsequently, the vote was nullified.

Moment of Silence

At the request of Rep. Greenstein, the House observed a moment of silence in memory of former Representative John F. Cosgrove who died on April 19. Former Representative Cosgrove served in the Florida House in 1982 representing District 109, 1982-1984 representing District 112, and 1986-2000 representing District 119.

Bills and Joint Resolutions on Third Reading

SB 1614—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.0846, F.S.; removing expiration of provisions for free license plates to active members of the Florida National Guard; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 792

Speaker Bense in the Chair.

Yeas—118

Adams	Benson	Cretul	Garcia
Allen	Berfield	Culp	Gardiner
Altman	Bilirakis	Cusack	Gelber
Ambler	Bogdanoff	Davis, D.	Gibson, A.
Anderson	Bowen	Davis, M.	Gibson, H.
Antone	Brandenburg	Dean	Glorioso
Arza	Brown	Detert	Goldstein
Attkisson	Brummer	Domino	Goodlette
Ausley	Brutus	Evers	Gottlieb
Barreiro	Bucher	Farkas	Grant
Baxley	Cannon	Fields	Greenstein
Bean	Carroll	Flores	Grimsley
Bendross-Mindingall	Clarke	Galvano	Harrell
Bense	Coley	Gannon	Hasner

Hays	Littlefield	Porth	Simmons
Henriquez	Llorente	Proctor	Slosberg
Holloway	Lopez-Cantera	Quinones	Smith
Homan	Machek	Reagan	Sobel
Hukill	Mahon	Rice	Sorensen
Jennings	Mayfield	Richardson	Stansel
Johnson	McInvale	Rivera	Stargel
Jordan	Meadows	Robaina	Taylor
Joyner	Mealor	Roberson	Traviesa
Justice	Murzin	Ross	Troutman
Kendrick	Negron	Rubio	Vana
Kottkamp	Patterson	Russell	Waters
Kravitz	Peterman	Ryan	Williams
Kreegel	Pickens	Sands	Zapata
Kyle	Planas	Sansom	
Legg	Poppell	Seiler	

Nays—None

Votes after roll call:

Yeas—Bullard

So the bill passed and was certified to the Senate.

HB 573—A bill to be entitled An act relating to disabled veterans; amending s. 295.16, F.S.; expanding exemption from certain fees relating to structural improvements to a disabled veteran's residence; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 793

Speaker Bense in the Chair.

Yeas—118

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kendrick	Roberson
Attkisson	Farkas	Kottkamp	Ross
Ausley	Fields	Kravitz	Rubio
Barreiro	Flores	Kreegel	Russell
Baxley	Galvano	Kyle	Ryan
Bean	Gannon	Legg	Sands
Bendross-Mindingall	Garcia	Littlefield	Sansom
Bense	Gardiner	Llorente	Seiler
Benson	Gelber	Lopez-Cantera	Simmons
Berfield	Gibson, A.	Machek	Slosberg
Bilirakis	Gibson, H.	Mahon	Smith
Bogdanoff	Glorioso	Mayfield	Sobel
Bowen	Goldstein	McInvale	Sorensen
Brandenburg	Goodlette	Meadows	Stansel
Brown	Gottlieb	Mealor	Stargel
Brummer	Grant	Murzin	Taylor
Brutus	Greenstein	Negron	Traviesa
Bucher	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bullard

So the bill passed and was certified to the Senate.

HJR 631—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution, relating to homestead exemptions from ad valorem taxation, to provide a discount from the amount of ad valorem taxation levied on the homestead of a World War II veteran who meets specified criteria.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.--

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding twenty-five thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(g) Each veteran of World War II who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax

otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 6

WORLD WAR II PERMANENTLY DISABLED VETERANS' DISCOUNT ON HOMESTEAD AD VALOREM TAX.--Proposing an amendment to the State Constitution to provide a discount from the amount of ad valorem tax on the homestead of a partially or totally permanently disabled veteran of World War II who was a Florida resident at the time of entering military service, whose disability was combat-related, and who was honorably discharged; to specify the percentage of the discount as equal to the percentage of the veteran's permanent service-connected disability; to specify qualification requirements for the discount; to authorize the Legislature to waive the annual application requirement in subsequent years by general law; and to specify that the provision takes effect December 7, 2006, is self-executing, and does not require implementing legislation.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 794

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, D.	Johnson	Reagan
Allen	Davis, M.	Jordan	Rice
Altman	Dean	Joyner	Richardson
Amblor	Detert	Justice	Rivera
Anderson	Domino	Kendrick	Robaina
Antone	Evers	Kottkamp	Roberson
Arza	Farkas	Kravitz	Ross
Attkisson	Fields	Kreegel	Rubio
Ausley	Flores	Kyle	Russell
Barreiro	Galvano	Legg	Ryan
Bean	Gannon	Littlefield	Sands
Bendross-Mindingall	Gardiner	Llorente	Sansom
Bense	Gelber	Lopez-Cantera	Seiler
Berfield	Gibson, A.	Machek	Simmons
Bilirakis	Gibson, H.	Mahon	Slosberg
Bogdanoff	Glorioso	Mayfield	Smith
Bowen	Goldstein	McInvale	Sobel
Brandenburg	Goodlette	Meadows	Sorensen
Brown	Gottlieb	Mealor	Stansel
Brummer	Grant	Murzin	Stargel
Brutus	Greenstein	Negron	Taylor
Bucher	Grimsley	Patterson	Traviesa
Cannon	Harrell	Peterman	Troutman
Carroll	Hays	Pickens	Vana
Clarke	Henriquez	Planas	Waters
Coley	Holloway	Poppell	Williams
Cretul	Homan	Porth	Zapata
Culp	Hukill	Proctor	
Cusack	Jennings	Quinones	

Nays—None

Votes after roll call:

Yeas—Baxley, Bullard, Hasner

So the joint resolution passed, as amended, by the required constitutional three-fifths vote of the membership and was certified to the Senate.

CS for SB 1370—A bill to be entitled An act relating to the Veterans' Nursing Home of Florida Act; amending s. 296.36, F.S.; authorizing the director of the Department of Veterans' Affairs to waive the residency requirement for admittance to a veterans' nursing home under certain circumstances; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 795

Speaker Bense in the Chair.

Yeas—118

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kendrick	Roberson
Attkisson	Farkas	Kottkamp	Ross
Ausley	Fields	Kravitz	Rubio
Barreiro	Flores	Kreegel	Russell
Baxley	Galvano	Kyle	Ryan
Bean	Gannon	Legg	Sands
Bendross-Mindingall	Garcia	Littlefield	Sansom
Bense	Gardiner	Llorente	Seiler
Benson	Gelber	Lopez-Cantera	Simmons
Berfield	Gibson, A.	Machek	Slosberg
Bilirakis	Gibson, H.	Mahon	Smith
Bogdanoff	Glorioso	Mayfield	Sobel
Bowen	Goldstein	McInvale	Sorensen
Brandenburg	Goodlette	Meadows	Stansel
Brown	Gottlieb	Mealor	Stargel
Brummer	Grant	Murzin	Taylor
Brutus	Greenstein	Negron	Traviesa
Bucher	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bullard

So the bill passed and was certified to the Senate.

HB 1007—A bill to be entitled An act relating to state parks; providing members of the Florida National Guard and certain relatives of such members free entrance to state parks; requiring presentation of certain identification as a condition for free entrance; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 796

Speaker Bense in the Chair.

Yeas—117

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kendrick	Roberson
Attkisson	Farkas	Kottkamp	Ross
Ausley	Fields	Kravitz	Rubio
Barreiro	Flores	Kreegel	Russell
Baxley	Galvano	Kyle	Ryan
Bean	Gannon	Legg	Sands
Bendross-Mindingall	Garcia	Littlefield	Seiler
Bense	Gardiner	Llorente	Simmons
Benson	Gelber	Lopez-Cantera	Slosberg
Berfield	Gibson, A.	Machek	Smith
Bilirakis	Gibson, H.	Mahon	Sobel
Bogdanoff	Glorioso	Mayfield	Sorensen
Bowen	Goldstein	McInvale	Stansel
Brandenburg	Goodlette	Meadows	Stargel
Brown	Gottlieb	Mealor	Taylor
Brummer	Grant	Murzin	Traviesa
Brutus	Greenstein	Negron	Troutman
Bucher	Grimsley	Patterson	Vana
Cannon	Harrell	Peterman	Waters
Carroll	Hasner	Pickens	Williams
Clarke	Hays	Planas	Zapata
Coley	Henriquez	Poppell	
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bullard, Sansom

So the bill passed, as amended, and was certified to the Senate.

HB 923—A bill to be entitled An act relating to the Troup-Indiantown Water Control District, Martin County; amending chapter 2002-366, Laws of Florida; correcting the legal description of the boundaries of the district; revising requirements for membership on the board of supervisors; clarifying applicability of general law; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 797

Speaker Bense in the Chair.

Yeas—118

Adams	Clarke	Greenstein	McInvale
Allen	Coley	Grimsley	Meadows
Altman	Cretul	Harrell	Mealor
Ambler	Culp	Hasner	Murzin
Anderson	Cusack	Hays	Negron
Antone	Davis, D.	Henriquez	Patterson
Arza	Davis, M.	Holloway	Peterman
Attkisson	Dean	Homan	Pickens
Ausley	Detert	Hukill	Planas
Barreiro	Domino	Jennings	Poppell
Baxley	Evers	Johnson	Porth
Bean	Farkas	Jordan	Proctor
Bendross-Mindingall	Fields	Joyner	Quinones
Bense	Flores	Justice	Reagan
Benson	Galvano	Kendrick	Rice
Berfield	Gannon	Kottkamp	Richardson
Bilirakis	Garcia	Kravitz	Rivera
Bogdanoff	Gardiner	Kreegel	Robaina
Bowen	Gelber	Kyle	Roberson
Brandenburg	Gibson, A.	Legg	Ross
Brown	Gibson, H.	Littlefield	Rubio
Brummer	Glorioso	Llorente	Russell
Brutus	Goldstein	Lopez-Cantera	Ryan
Bucher	Goodlette	Machek	Sands
Cannon	Gottlieb	Mahon	Sansom
Carroll	Grant	Mayfield	Seiler

Simmons	Sorensen	Traviesa	Williams
Slosberg	Stansel	Troutman	Zapata
Smith	Stargel	Vana	
Sobel	Taylor	Waters	

Nays—None

Votes after roll call:

Yeas—Bullard

So the bill passed and was certified to the Senate.

HB 1633—A bill to be entitled An act relating to the Alachua County Housing Authority; amending chapter 71-526, Laws of Florida; providing that the Alachua County Commission may appoint two alternate members to the Alachua County Housing Authority; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 798

Speaker Bense in the Chair.

Yeas—118

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kendrick	Roberson
Attkisson	Farkas	Kottkamp	Ross
Ausley	Fields	Kravitz	Rubio
Barreiro	Flores	Kreegel	Russell
Baxley	Galvano	Kyle	Ryan
Bean	Gannon	Legg	Sands
Bendross-Mindingall	Garcia	Littlefield	Sansom
Bense	Gardiner	Llorente	Seiler
Benson	Gelber	Lopez-Cantera	Simmons
Berfield	Gibson, A.	Machek	Slosberg
Bilirakis	Gibson, H.	Mahon	Smith
Bogdanoff	Glorioso	Mayfield	Sobel
Bowen	Goldstein	McInvale	Sorensen
Brandenburg	Goodlette	Meadows	Stansel
Brown	Gottlieb	Mealor	Stargel
Brummer	Grant	Murzin	Taylor
Brutus	Greenstein	Negron	Traviesa
Bucher	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bullard

So the bill passed, as amended, and was certified to the Senate.

REPRESENTATIVE GOTTLIEB IN THE CHAIR

HB 951—A bill to be entitled An act relating to Palm Beach County; creating the Town of Loxahatchee Groves; providing a charter; providing legislative intent; providing a council-manager form of government; providing boundaries; providing municipal powers; providing for a town council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for compensation and expenses; providing for

appointment of charter officers, including a town manager and town attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for meetings; providing for adoption, distribution, and recording of technical codes; providing for recordkeeping; providing a limitation upon employment of council members; prohibiting certain interference with town employees; establishing the fiscal year; providing for adoption of annual budget and appropriations; providing for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for referendum requirements for revenue bonds and other multiyear contracts; providing for financial audit; providing for nonpartisan elections and matters relative thereto; providing for recall; providing for initiative and referendum; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a personnel system; providing for charitable contributions; providing for land use changes; providing the town a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for sharing of communications services tax; providing for accelerated entitlement to state-shared revenues; providing for receipt and distribution of gas tax revenues; providing for continuation of the Palm Beach County Fire Rescue Municipal Service Taxing Unit; providing for law enforcement; providing for continuation of the Palm Beach County Library District; providing for dissolution of the Palm Beach County Municipal Service Taxing Unit B and dissolution of the Palm Beach County Municipal Service Taxing Unit F; providing for continuation of the Loxahatchee Groves Water Control District; providing for continuation of Loxahatchee Groves Park; repealing s. 6 of s. 2 of chapter 99-425, Laws of Florida, relating to a restriction on annexation of the Loxahatchee Groves Water Control District; providing for waivers; requiring a referendum; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 799

Representative Gottlieb in the Chair.

Yeas—118

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kendrick	Roberson
Attkisson	Farkas	Kottkamp	Ross
Ausley	Fields	Kravitz	Rubio
Barreiro	Flores	Kreegel	Russell
Baxley	Galvano	Kyle	Ryan
Bean	Gannon	Legg	Sands
Bendross-Mindingall	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

So the bill passed, as amended, and was certified to the Senate.

HB 993—A bill to be entitled An act relating to the City of Southport, Bay County; creating the City of Southport; providing a charter; providing legislative intent; providing for a commission-manager form of government; providing municipal powers; providing boundaries; providing for a city commission and its composition and qualifications; providing terms of office, powers, and duties of commissioners; providing for a mayor and vice mayor and their powers and duties; providing for compensation and expenses of the commission; providing for vacancies, forfeiture of office, and filling of vacancies; providing for commission meetings; providing for a city manager and city attorney and their qualifications, powers, and duties; providing for elections; providing for elections to be held at large until the commission creates voting districts; providing for municipal services; providing for charter amendment and review; providing for standards of conduct; providing severability; providing a transition schedule, including initial elections; providing for state-shared revenue; providing for gas tax revenues; requiring a referendum; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 800

Representative Gottlieb in the Chair.

Yeas—118

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kendrick	Roberson
Attkisson	Farkas	Kottkamp	Ross
Ausley	Fields	Kravitz	Rubio
Barreiro	Flores	Kreegel	Russell
Baxley	Galvano	Kyle	Ryan
Bean	Gannon	Legg	Sands
Bendross-Mindingall	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

So the bill passed, as amended, and was certified to the Senate.

HB 1127—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie; providing for annexation of the unincorporated area known as Broadview Park; providing for an election; providing boundaries; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 801

Representative Gottlieb in the Chair.

Yeas—118

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kendrick	Roberson
Attkisson	Farkas	Kottkamp	Ross
Ausley	Fields	Kravitz	Rubio
Barreiro	Flores	Kreegel	Russell
Baxley	Galvano	Kyle	Ryan
Bean	Gannon	Legg	Sands
Bendross-Mindingall	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

So the bill passed, as amended, and was certified to the Senate.

HB 1217—A bill to be entitled An act relating to the City of Bradenton Beach, Manatee County; amending chapter 28915, Laws of Florida, 1953; amending the city's boundaries; authorizing the city to exercise certain police powers and jurisdictional authority 500 feet into the waters of the Gulf of Mexico adjacent to its established corporate limits and within Sarasota Bay from the eastern municipal boundary of the city to the west right-of-way line of the Intracoastal Waterway; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 802

Representative Gottlieb in the Chair.

Yeas—118

Adams	Brown	Fields	Henriquez
Allen	Brummer	Flores	Holloway
Altman	Brutus	Galvano	Homan
Ambler	Bucher	Gannon	Hukill
Anderson	Bullard	Garcia	Jennings
Antone	Cannon	Gardiner	Johnson
Arza	Carroll	Gelber	Jordan
Attkisson	Clarke	Gibson, A.	Joyner
Ausley	Coley	Gibson, H.	Justice
Barreiro	Cretul	Glorioso	Kendrick
Baxley	Culp	Goldstein	Kottkamp
Bean	Cusack	Goodlette	Kravitz
Bendross-Mindingall	Davis, D.	Gottlieb	Kreegel
Benson	Davis, M.	Grant	Kyle
Berfield	Dean	Greenstein	Legg
Bilirakis	Detert	Grimsley	Littlefield
Bogdanoff	Domino	Harrell	Llorente
Bowen	Evers	Hasner	Lopez-Cantera
Brandenburg	Farkas	Hays	Machek

Mahon	Poppell	Rubio	Stansel
Mayfield	Porth	Russell	Stargel
McInvale	Proctor	Ryan	Taylor
Meadows	Quinones	Sands	Traviesa
Mealor	Reagan	Sansom	Troutman
Murzin	Rice	Seiler	Vana
Negron	Richardson	Simmons	Waters
Patterson	Rivera	Slosberg	Williams
Peterman	Robaina	Smith	Zapata
Pickens	Roberson	Sobel	
Planas	Ross	Sorensen	

Nays—None

So the bill passed, as amended, and was certified to the Senate.

HB 1081—A bill to be entitled An act relating to the Lee County Hyacinth Control District, Lee County; amending chapter 98-462, Laws of Florida; providing that all work done under the provisions of the district's charter shall be under the supervision of a person determined qualified by the Hyacinth Board; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 803

Representative Gottlieb in the Chair.

Yeas—119

Adams	Culp	Homan	Proctor
Allen	Cusack	Hukill	Quinones
Altman	Davis, D.	Jennings	Reagan
Ambler	Davis, M.	Johnson	Rice
Anderson	Dean	Jordan	Richardson
Antone	Detert	Joyner	Rivera
Arza	Domino	Justice	Robaina
Attkisson	Evers	Kendrick	Roberson
Ausley	Farkas	Kottkamp	Ross
Barreiro	Fields	Kravitz	Rubio
Baxley	Flores	Kreegel	Russell
Bean	Galvano	Kyle	Ryan
Bendross-Mindingall	Gannon	Legg	Sands
Bense	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	

Nays—None

So the bill passed, as amended, and was certified to the Senate.

On motion by Rep. Sobel, consideration of **HB 1497** was temporarily postponed.

HB 1445—A bill to be entitled An act relating to the West Villages Improvement District, Sarasota County; amending chapter 2004-456, Laws of Florida; expanding the territorial boundaries of the district; supplementing the conditions and requirements for the exercise of its powers, functions, and duties; providing for a referendum; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 804

Representative Gottlieb in the Chair.

Yeas—118

Adams	Culp	Hukill	Quinones
Allen	Cusack	Jennings	Reagan
Altman	Davis, D.	Johnson	Rice
Ambler	Davis, M.	Jordan	Richardson
Anderson	Dean	Joyner	Rivera
Antone	Detert	Justice	Robaina
Arza	Domino	Kendrick	Roberson
Attkisson	Evers	Kottkamp	Ross
Ausley	Farkas	Kravitz	Rubio
Barreiro	Fields	Kreegel	Russell
Baxley	Flores	Kyle	Ryan
Bean	Galvano	Legg	Sands
Bendross-Mindingall	Gannon	Littlefield	Sansom
Bense	Garcia	Llorente	Seiler
Benson	Gardiner	Lopez-Cantera	Simmons
Berfield	Gelber	Machek	Slosberg
Bilirakis	Gibson, A.	Mahon	Smith
Bogdanoff	Gibson, H.	Mayfield	Sobel
Bowen	Glorioso	McInvale	Sorensen
Brandenburg	Goldstein	Meadows	Stansel
Brown	Goodlette	Mealor	Stargel
Brummer	Gottlieb	Murzin	Taylor
Brutus	Grant	Negron	Traviesa
Bucher	Greenstein	Patterson	Troutman
Bullard	Grimsley	Peterman	Vana
Cannon	Harrell	Pickens	Waters
Carroll	Hasner	Planas	Williams
Clarke	Hays	Poppell	Zapata
Coley	Holloway	Porth	
Cretul	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Henriquez

So the bill passed, as amended, and was certified to the Senate.

HB 227—A bill to be entitled An act relating to the personal needs allowance; amending s. 409.904, F.S.; increasing the monthly personal allowance for certain eligible persons; providing an appropriation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 805

Representative Gottlieb in the Chair.

Yeas—118

Adams	Bowen	Domino	Grimsley
Allen	Brandenburg	Evers	Harrell
Altman	Brown	Farkas	Hasner
Ambler	Brummer	Fields	Hays
Anderson	Brutus	Flores	Henriquez
Antone	Bucher	Galvano	Holloway
Arza	Bullard	Gannon	Homan
Attkisson	Cannon	Garcia	Hukill
Ausley	Carroll	Gardiner	Jennings
Barreiro	Clarke	Gelber	Johnson
Baxley	Coley	Gibson, A.	Jordan
Bean	Cretul	Gibson, H.	Joyner
Bendross-Mindingall	Culp	Glorioso	Justice
Bense	Cusack	Goldstein	Kendrick
Benson	Davis, D.	Goodlette	Kottkamp
Berfield	Davis, M.	Gottlieb	Kravitz
Bilirakis	Dean	Grant	Kreegel
Bogdanoff	Detert	Greenstein	Kyle

Legg	Peterman	Roberson	Sorensen
Littlefield	Pickens	Ross	Stansel
Llorente	Planas	Rubio	Stargel
Lopez-Cantera	Poppell	Russell	Taylor
Machek	Porth	Ryan	Traviesa
Mahon	Proctor	Sands	Troutman
Mayfield	Quinones	Sansom	Vana
McInvale	Reagan	Seiler	Waters
Mealor	Rice	Simmons	Williams
Murzin	Richardson	Slosberg	Zapata
Negron	Rivera	Smith	
Patterson	Robaina	Sobel	

Nays—None

Votes after roll call:

Yeas—Meadows

So the bill passed, as amended, and was certified to the Senate.

HB 919—A bill to be entitled An act relating to law enforcement investigations; creating s. 837.055, F.S.; prohibiting knowingly and willfully giving false information to law enforcement officers under certain circumstances; providing penalties; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 806

Representative Gottlieb in the Chair.

Yeas—116

Adams	Cusack	Homan	Porth
Allen	Davis, D.	Hukill	Proctor
Altman	Davis, M.	Jennings	Quinones
Ambler	Dean	Johnson	Reagan
Antone	Detert	Jordan	Rice
Arza	Domino	Joyner	Richardson
Attkisson	Evers	Justice	Rivera
Ausley	Farkas	Kendrick	Robaina
Barreiro	Fields	Kottkamp	Roberson
Baxley	Flores	Kravitz	Rubio
Bean	Galvano	Kreegel	Russell
Bendross-Mindingall	Gannon	Kyle	Ryan
Bense	Garcia	Legg	Sands
Benson	Gardiner	Littlefield	Sansom
Berfield	Gelber	Llorente	Seiler
Bogdanoff	Gibson, A.	Lopez-Cantera	Simmons
Bowen	Gibson, H.	Machek	Slosberg
Brandenburg	Glorioso	Mahon	Smith
Brown	Goldstein	Mayfield	Sobel
Brummer	Goodlette	McInvale	Sorensen
Brutus	Gottlieb	Meadows	Stansel
Bucher	Grant	Mealor	Stargel
Bullard	Greenstein	Murzin	Taylor
Cannon	Grimsley	Negron	Traviesa
Carroll	Harrell	Patterson	Troutman
Clarke	Hasner	Peterman	Vana
Coley	Hays	Pickens	Waters
Cretul	Henriquez	Planas	Williams
Culp	Holloway	Poppell	Zapata

Nays—None

Votes after roll call:

Yeas—Ross

So the bill passed, as amended, and was certified to the Senate.

HB 291—A bill to be entitled An act relating to the public school grading system; amending s. 1008.34, F.S.; adding certain feeder pattern schools to list of schools receiving a school grade; prescribing circumstances in which a feeder pattern exists; amending s. 1002.38, F.S.; allowing students served by

certain feeder pattern schools to participate in the Opportunity Scholarship Program; amending s. 1008.36, F.S.; allowing certain feeder pattern schools to participate in the Florida School Recognition Program; providing an effective date.

—was read the third time by title.

Representative(s) Bendross-Mindingall offered the following:

(Amendment Bar Code: 230307)

Amendment 1—Remove line(s) 23 and insert:
system shall receive a school grade designation based upon the performance of its students after they transfer to a feeder

Rep. Bendross-Mindingall moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption.

The question recurred on the passage of HB 291. The vote was:

Session Vote Sequence: 807

Representative Gottlieb in the Chair.

Yeas—104

Adams	Davis, D.	Homan	Proctor
Allen	Davis, M.	Hukill	Quinones
Altman	Dean	Jennings	Reagan
Ambler	Detert	Johnson	Rice
Anderson	Domino	Jordan	Richardson
Arza	Evers	Kendrick	Rivera
Attkisson	Farkas	Kottkamp	Robaina
Ausley	Fields	Kravitz	Roberson
Barreiro	Flores	Kreegel	Ross
Baxley	Galvano	Kyle	Rubio
Bean	Gannon	Legg	Russell
Bense	Garcia	Littlefield	Sands
Benson	Gardiner	Llorente	Sansom
Berfield	Gelber	Lopez-Cantera	Seiler
Bilirakis	Gibson, H.	Machek	Simmons
Bogdanoff	Glorioso	Mahon	Smith
Bowen	Goldstein	Mayfield	Sobel
Brown	Goodlette	McInvale	Sorensen
Brutus	Gottlieb	Meadows	Stansel
Bullard	Grant	Mealor	Stargel
Cannon	Greenstein	Murzin	Traviesa
Carroll	Grimsley	Patterson	Troutman
Clarke	Harrell	Peterman	Vana
Coley	Hasner	Pickens	Waters
Cretul	Hays	Planas	Williams
Culp	Holloway	Poppell	Zapata

Nays—11

Bendross-Mindingall	Cusack	Joyner	Slosberg
Brandenburg	Gibson, A.	Justice	Taylor
Bucher	Henriquez	Ryan	

Votes after roll call:

Yeas—Antone, Brummer, Negron, Porth

Yeas to Nays—Gottlieb

So the bill passed, as amended, and was certified to the Senate.

HB 7119—A bill to be entitled An act relating to interscholastic athletics; requiring the Florida High School Athletic Association to hold certain bylaws in abeyance; providing for creation of a task force to review student athlete recruiting issues; providing for task force membership and duties; requiring recommendations to the Governor and the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of recruiting violations by Florida High School Athletic Association member schools; providing an appropriation; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to facilitate a 1-year drug testing program to randomly test for anabolic steroid use by students in grades 9

through 12 who participate in postseason competition in football, baseball, girls' softball, and weightlifting in its member schools; requiring schools to consent to the provisions of the program as a prerequisite for membership in the organization; requiring the organization to establish procedures for the conduct of the program, including contracting with a testing agency to administer the program; providing that the finding of a drug test shall be separate from a student's educational records; providing for disclosure; requiring students and their parents to consent to the provisions of the program as a prerequisite for eligibility to participate in interscholastic athletics; providing penalties for students selected for testing who fail to provide a specimen; requiring the administration of a school to meet with a student who tests positive and his or her parent to review the finding, penalties, and procedure for challenge and appeal; providing penalties for positive findings; providing due process procedures for challenge and appeal; requiring the organization to provide a report to the Legislature on the results of the program; providing an exemption from civil liability resulting from implementation of the program; requiring the Department of Legal Affairs to provide defense in claims of civil liability; requiring program expenses to be paid through legislative appropriation; providing for expiration of the program; providing an effective date.

—was read the third time by title.

THE SPEAKER IN THE CHAIR

The question recurred on the passage of HB 7119. The vote was:

Session Vote Sequence: 808

Speaker Bense in the Chair.

Yeas—105

Adams	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Jordan	Rice
Ambler	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kottkamp	Robaina
Arza	Farkas	Kravitz	Roberson
Attkisson	Fields	Kreegel	Ross
Ausley	Flores	Kyle	Rubio
Barreiro	Galvano	Legg	Russell
Baxley	Gannon	Littlefield	Ryan
Bean	Garcia	Llorente	Sands
Bendross-Mindingall	Gelber	Lopez-Cantera	Seiler
Bense	Gibson, A.	Machek	Simmons
Benson	Gibson, H.	Mahon	Slosberg
Bilirakis	Glorioso	Mayfield	Smith
Bogdanoff	Goldstein	McInvale	Sobel
Bowen	Goodlette	Mealor	Stansel
Brown	Grant	Murzin	Stargel
Brummer	Greenstein	Negron	Taylor
Brutus	Grimsley	Patterson	Traviesa
Bullard	Harrell	Peterman	Troutman
Cannon	Hasner	Pickens	Vana
Carroll	Hays	Planas	Williams
Clarke	Henriquez	Poppell	Zapata
Coley	Holloway	Porth	
Cretul	Homan	Proctor	
Cusack	Hukill	Quinones	

Nays—4

Brandenburg	Bucher	Gottlieb	Kendrick
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Votes after roll call:

Yeas—Allen, Culp, Meadows, Sansom, Sorensen, Waters

So the bill passed, as amended, and was certified to the Senate.

The Speaker directed the Clerk to return to the consideration of **CS for SB 1328** and nullified the vote on passage of the bill.

CS for CS for SB 1328—A bill to be entitled An act relating to the unlawful taking of personal property or equipment; amending s. 812.014, F.S.; providing that the theft of property that has been deployed by a law enforcement officer is grand theft in the first degree; providing criminal penalties; creating s. 812.0147, F.S.; providing that it is a second-degree felony to possess or use a fifth wheel to commit or attempt to commit theft; providing criminal penalties; amending s. 812.155, F.S.; deleting the requirement to prove fraudulent intent in prosecutions related to the theft of personal property or equipment; providing that failure to return rental property within a specified time is evidence of abandonment or refusal to redeliver the property; deleting a provision that certain actions constitute prima facie evidence of fraudulent intent; deleting a provision specifying that the prohibition against obtaining personal property or equipment with intent to defraud does not apply to a rental-purchase agreement unless the rental store retains title to the property or equipment throughout the period of the rental-purchase agreement; amending s. 921.0022, F.S.; classifying the offense of stealing property deployed by a law enforcement officer under the offense severity ranking chart of the Criminal Punishment Code; reenacting s. 985.227(1)(a), F.S., relating to prosecution of juveniles as adults, in order to incorporate the amendment to s. 812.014, F.S., in a reference thereto; providing an effective date.

On motion by Rep. Farkas, the rules were waived and CS for CS for SB 1328 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 809

Speaker Bense in the Chair.

Yeas—119

Adams	Culp	Homan	Proctor
Allen	Cusack	Hukill	Quinones
Altman	Davis, D.	Jennings	Reagan
Ambler	Davis, M.	Johnson	Rice
Anderson	Dean	Jordan	Richardson
Antone	Detert	Joyner	Rivera
Arza	Domino	Justice	Robaina
Attkisson	Evers	Kendrick	Roberson
Ausley	Farkas	Kottkamp	Ross
Barreiro	Fields	Kravitz	Rubio
Baxley	Flores	Kreegel	Russell
Bean	Galvano	Kyle	Ryan
Bendross-Mindingall	Gannon	Legg	Sands
Bense	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Sorensen
Brown	Goodlette	Meadows	Stansel
Brummer	Gottlieb	Mealor	Stargel
Brutus	Grant	Murzin	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	

Nays—None

So the bill passed and was certified to the Senate.

Special Orders

HB 411 was taken up. On motion by Rep. Roberson, SB 1400 was substituted for HB 411. Under Rule 5.14, the House bill was laid on the table.

SB 1400—A bill to be entitled An act relating to psychotherapist-patient privilege; amending s. 90.503, F.S.; redefining the term "psychotherapist" to include certain advanced registered nurse practitioners for purposes of the psychotherapist-patient privilege of the Florida Evidence Code; providing an effective date.

—was read the second time by title.

Representative(s) Roberson offered the following:

(Amendment Bar Code: 665643)

Amendment 1—On page 2, line 11,
remove: licensed

and insert: certified

Rep. Roberson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 3 was taken up. On motion by Rep. Berfield, SB 542 was substituted for HB 3. Under Rule 5.14, the House bill was laid on the table.

SB 542—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.309, F.S.; requiring the administrative law judge to determine whether factual determinations regarding required notice to obstetrical patients of participation in the plan are satisfied; providing exclusive jurisdiction to make such determinations; providing legislative intent; amending s. 766.315, F.S.; authorizing the State Board of Administration to invest and reinvest funds held on behalf of the plan pursuant to certain requirements; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1027—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 215.5602, F.S.; revising the method for appointing members to the Biomedical Research Advisory Council; authorizing the Legislature to annually appropriate funds to the James and Esther King Biomedical Research Program; providing for transition to new appointments; amending s. 381.855, F.S.; revising the purpose of the Florida Center for Universal Research to Eradicate Disease; requiring the center to provide grants for cancer research; revising membership of the center's advisory council; providing for terms of office and the filling of vacancies; providing for officers, meetings, and procedure; providing procedures for awarding of cancer research grants; providing for peer review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; authorizing the Legislature to annually appropriate funds to the Florida Center for Universal Research to Eradicate Disease; providing for transition to new appointments; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; creating s. 381.922, F.S.; establishing the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program within the Department of Health; providing the purpose of the program; requiring an annual report; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 1004.445, F.S.; revising the method of appointing and filling vacancies on the board of directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; requiring certain information in the annual report; requiring an annual operating budget; providing procedures for awarding of Alzheimer's disease research grants; providing for peer review panels; providing requirements with respect to ethical conduct, conflicts of interest, and confidentiality; providing for public records and meetings; authorizing the Legislature to annually appropriate funds to the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; providing for transition to new appointments; providing appropriations; providing effective dates.

The Health Care General Committee recommended the following:

HB 1027 CS—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 20.435, F.S.; authorizing the use of funds in the Biomedical Research Trust Fund for the purposes of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; amending s. 215.5601, F.S.; providing for deposit of certain proceeds of the Lawton Chiles Endowment Fund into the Biomedical Research Trust Fund for purposes of the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; amending s. 215.5602, F.S.; revising the membership and the method for appointing members to the Biomedical Research Advisory Council; requiring the council to award grants for cancer research through the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; providing for the repeal of the James and Esther King Biomedical Research Program; requiring the Legislature to review the program prior to the repeal; providing for transition to new appointments; amending s. 381.855, F.S.; revising the membership of the advisory council for the Florida Center for Universal Research to Eradicate Disease; providing for terms of office and the filling of vacancies; providing for officers, meetings, and procedures; providing for transition to new appointments; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; creating s. 381.922, F.S.; establishing the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program within the Department of Health; providing the purpose of the program; requiring the program to provide grants for cancer research; providing procedures for awarding cancer research grants; providing for peer review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; requiring an annual report; providing for the repeal of William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; requiring the Legislature to review the program prior to the repeal; amending s. 381.98, F.S., revising the purpose, duties, and authority of the Florida Public Health Foundation, Inc.; amending s. 430.41, F.S., providing for the Governor to certify certain funds for a certain number of years; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 1004.445, F.S.; revising the method of appointing and filling vacancies on the board of directors of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; requiring certain information in the annual report; requiring an annual operating budget; providing procedures for awarding of Alzheimer's disease research grants; providing for peer review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; providing for the repeal of Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; requiring the Legislature to review the center and institute prior to the repeal; providing for transition to new appointments; providing appropriations; providing effective dates.

—was read the second time by title.

REPRESENTATIVE SMITH IN THE CHAIR

Representative(s) Benson offered the following:

(Amendment Bar Code: 218995)

Amendment 1 (with title amendment)—Remove lines 365 through 375 and insert:

Section 10. Subsection (1) of section 381.98, Florida Statutes, is amended, paragraph (v) is added to subsection (6), present subsection (10) is renumbered as subsection (12), and new subsections (10) and (11) are added to that section, to read:

381.98 The Florida Public Health Foundation, Inc.; establishment; purpose; mission; duties; board of directors.--

(1) The Florida Public Health Foundation, Inc., referred to in this section as "the corporation," is established for the purpose of disseminating breakthrough findings in biomedical research and promoting health awareness in this state and providing services to the Department of Health.

(6) The affairs of the corporation shall be managed by an executive director appointed by a board of directors consisting of:

(v) A representative of the Florida Association of Health Plans.

===== TITLE AMENDMENT =====

Remove line(s) 43 and insert:

of the Florida Public Health Foundation, Inc.; revising the membership of the board of directors of the corporation; amending s.

Rep. Benson moved the adoption of the amendment, which was adopted.

Representative(s) Glorioso offered the following:

(Amendment Bar Code: 697917)

Amendment 2 (with directory and title amendments)—Remove line(s) 443 through 493

===== DIRECTORY AMENDMENT =====

Remove line(s) 436 and 437 and insert:

Section 13. Subsection (6) of section 1004.445, Florida Statutes, is amended, present subsections (8), (9), and

===== TITLE AMENDMENT =====

Remove line(s) 48 through 50 and insert:
requiring

Rep. Glorioso moved the adoption of the amendment, which was adopted.

Representative(s) Glorioso offered the following:

(Amendment Bar Code: 966945)

Amendment 3—Remove line(s) 572 and insert:
considered by the board of directors of the not-for-profit corporation in determining which proposals shall be recommended

Rep. Glorioso moved the adoption of the amendment, which was adopted.

Representative(s) Glorioso offered the following:

(Amendment Bar Code: 204983)

Amendment 4 (with title amendment)—Remove line(s) 602-608

===== TITLE AMENDMENT =====

Remove line(s) 59-60 and insert:

and institute prior to the repeal; providing appropriations;

Rep. Glorioso moved the adoption of the amendment, which was adopted.

Representative(s) Glorioso offered the following:

(Amendment Bar Code: 519431)

Amendment 5—Remove line(s) 632 and insert:
purposes as provided under s. 1004.445(6)(a), Florida Statutes, conducting and supporting research, providing

Rep. Glorioso moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion

On motion by Rep. Goodlette, the rules were waived and the privilege of the floor was granted to James L. Crumel, Sr.

House Resolutions

HR 9111—A resolution honoring Alpha Phi Alpha Fraternity, Inc.

WHEREAS, Alpha Phi Alpha Fraternity, Inc., founded December 4, 1906, at Cornell University in Ithaca, New York, is the first and oldest intercollegiate Greek-letter fraternity established for African Americans and, since its

inception, has supplied voice and vision to the struggle of these Americans and other people of color around the world, and

WHEREAS, Alpha Phi Alpha Fraternity was founded by visionaries known as the "Seven Jewels of the Fraternity," Henry Arthur Callis, Charles Henry Chapman, Eugene Kinkle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle, and Vertner Woodson Tandy, seven college men who recognized the need for a strong bond of brotherhood among African descendants in this country, and

WHEREAS, Alpha Phi Alpha Fraternity, incorporated on January 29, 1908, initially served as a study and support group for minority students who faced racial prejudice and discrimination, both educationally and socially, and the founders and early leaders succeeded in laying a firm foundation for the fraternity's principles of scholarship, fellowship, good character, and the uplifting of humanity, and

WHEREAS, chapters of Alpha Phi Alpha Fraternity, Inc., have been developed at other colleges and universities, many of them historically black institutions, with Jewel Charles Henry Chapman, who served as a Professor of Agriculture at Florida Agricultural and Mechanical University, aiding in the founding of the Beta Nu Chapter, the first African-American Greek-lettered organization in the State of Florida, and

WHEREAS, Alpha Phi Alpha Fraternity continues to proliferate, spanning the globe with over 400 undergraduate chapters and 200 graduate chapters located throughout the United States, the Caribbean Islands, Africa, the West Indies, Europe, and Asia and, while realistically facing the educational, economic, political, and social challenges encountered by African Americans nationally and internationally, responds to such challenges by a continued emphasis on academic excellence through such mandated programs as Project Alpha, Go To High School, Go To College, and A Voteless People Is A Hopeless People, and

WHEREAS, the legacy of Alpha Phi Alpha Fraternity includes the Rev. Dr. Martin Luther King, Jr., Dr. W.E.B. DuBois, Paul Robeson, Dick Gregory, John Hope Franklin, Justice Thurgood Marshall, United States Vice President Hubert Humphrey, United States Senator Edward Brooke, Congressman Adam Clayton Powell, Jr., Congressman Julian Dixon, Congressman Ronald Dellums, Congressman Harold Ford, Sr., Duke Ellington, Lionel Richie, Jesse Owens, Marc Morial, Cornell West, and scores more, and

WHEREAS, current Alpha Phi Alpha membership includes Congressmen David Scott (Georgia), Chaka Fattah (Pennsylvania), Earl Hilliard (Alabama), Charles Rangel (New York), and Robert C. Scott (Virginia), as well as Florida leaders such as retired Justice Leander L. Shaw, Jr., Representatives Christopher Smith and Curtis Richardson, former Representative Alzo Reddick, former State Senator Dr. Arnett Girardeau, and Circuit Judges Michael F. Andrews and Hubert L. Grimes, and, until their deaths, the late Federal District Judge Wilkie D. Ferguson and civil rights activists C. Spencer Pompey and Marvin Davies were members from this state, and

WHEREAS, Alpha Phi Alpha Fraternity, Inc., is celebrating its Centennial Anniversary in Washington, D.C., July 25-30, 2006, to commemorate the fraternity's outstanding history of manly deeds, scholarship, and love for all of mankind, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives honors and congratulates Alpha Phi Alpha Fraternity, Inc., and joins its members in Tallahassee in celebrating the admirable 100-year legacy of this outstanding fraternal organization.

—was read the second time by title. On motion by Rep. Richardson, the resolution was adopted.

Rep. Richardson was recognized to approach the well where he gave remarks on HR 9111 and introduced James L. Crumel, Sr., District Director of Alpha Phi Alpha Fraternity, Inc., who gave brief remarks.

Special Orders

HB 157 was taken up. On motion by Rep. Littlefield, CS for SB 264 was substituted for HB 157. Under Rule 5.14, the House bill was laid on the table.

CS for SB 264—A bill to be entitled An act relating to homestead assessments; amending s. 193.155, F.S.; providing an additional criterion for determining no change in ownership of homestead property for homestead assessment purposes; specifying a condition for a change in ownership; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 341 was taken up. On motion by Rep. Dean, SB 496 was substituted for HB 341. Under Rule 5.14, the House bill was laid on the table.

SB 496—A bill to be entitled An act relating to the Citrus/Hernando Waterways Restoration Council; amending section 1 of ch. 2003-287, Laws of Florida; revising the membership, powers, and duties of the council; revising the membership of the separate county task forces of the council; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 61—A bill to be entitled An act relating to postsentencing DNA testing; amending s. 925.11, F.S.; deleting time limits for filing petitions for postsentencing DNA testing when facts on which the petition is predicated were unknown and could not have been ascertained by the exercise of due diligence; revising provisions relating to time periods for preservation of physical evidence; providing for retroactive application; providing an effective date.

The State Administration Council recommended the following:

HB 61 CS—A bill to be entitled An act relating to the testing of DNA evidence; amending s. 925.11, F.S.; revising the circumstances under which a person who has been sentenced for committing a felony may petition the court for postsentencing testing of DNA evidence; abolishing certain time limitations imposed upon such testing; revising requirements regarding submittal and review of a petition; authorizing a governmental entity to dispose of physical evidence if the sentence imposed has expired and another law or rule does not require that the evidence be retained; providing that unavailability or unsuitability of physical evidence for DNA testing does not provide grounds for other relief; creating s. 925.12, F.S.; providing for postsentencing DNA testing under specified circumstances; requiring a court to make specified inquiries of a defendant seeking to enter a plea of guilty or nolo contendere to a felony; providing legislative intent that the Supreme Court adopt certain rules; providing that a postponement for specified reasons be considered attributable to the defendant for speedy trial purposes; repealing a specified Florida Rule of Criminal Procedure; providing effective dates.

—was read the second time by title.

Representatives Quinones and Bogdanoff offered the following:

(Amendment Bar Code: 382057)

Amendment 1 (with title amendment)—Remove lines 57-249 and insert: that which would exonerate that person or mitigate the sentence that person received.

2. A person who has entered a plea of guilty or nolo contendere to a felony prior to July 1, 2006, and has been sentenced by a court established by the laws of this state may petition that court to order the examination of physical evidence collected at the time of the investigation of the crime for which he or she has been sentenced that may contain DNA (deoxyribonucleic acid) and that would exonerate that person.

(b) A petition for postsentencing DNA testing under paragraph (a) may be filed or considered at any time following the date that the judgment and sentence in the case becomes final. Except as provided in subparagraph 2., a petition for postsentencing DNA testing may be filed or considered:

~~1. Within 4 years following the date that the judgment and sentence in the case becomes final if no direct appeal is taken, within 4 years following the date that the conviction is affirmed on direct appeal if an appeal is taken, within 4 years following the date that collateral counsel is appointed or retained subsequent to the conviction being affirmed on direct appeal in a capital case, or by October 1, 2005, whichever occurs later; or~~

~~2. At any time if the facts on which the petition is predicated were unknown to the petitioner or the petitioner's attorney and could not have been ascertained by the exercise of due diligence.~~

(2) METHOD FOR SEEKING POSTSENTENCING DNA TESTING.--

(a) The petition for postsentencing DNA testing must be made under oath by the sentenced defendant and must include the following:

1. A statement of the facts relied on in support of the petition, including a description of the physical evidence containing DNA to be tested and, if known, the present location or the last known location of the evidence and how it was originally obtained;

2. A statement that the evidence was not previously tested for DNA or a statement that the results of any previous DNA testing were inconclusive and that subsequent scientific developments in DNA testing techniques would likely produce a definitive result establishing that the petitioner is not the person who committed the crime;

3. A statement that the sentenced defendant is innocent and how the DNA testing requested by the petition will exonerate the defendant of the crime for which the defendant was sentenced or will mitigate the sentence received by the defendant for that crime;

4. A statement that identification of the defendant is a genuinely disputed issue in the case, and why it is an issue;

5. Any other facts relevant to the petition; and

6. A certificate that a copy of the petition has been served on the prosecuting authority.

(b) Upon receiving the petition, the clerk of the court shall file it and deliver the court file to the assigned judge.

(c) The court shall review the petition and deny it if it is insufficient. If the petition is sufficient, the prosecuting authority shall be ordered to respond to the petition within 30 days.

(d) Upon receiving the response of the prosecuting authority, the court shall review the response and enter an order on the merits of the petition or set the petition for hearing.

(e) Counsel may be appointed to assist the sentenced defendant if the petition proceeds to a hearing and if the court determines that the assistance of counsel is necessary and makes the requisite finding of indigency.

(f) The court shall make the following findings when ruling on the petition:

1. Whether the sentenced defendant has shown that the physical evidence that may contain DNA still exists;

2. Whether the results of DNA testing of that physical evidence would be admissible at trial and whether there exists reliable proof to establish that the evidence has not been materially altered and would be admissible at a future hearing; and

3. Whether there is a reasonable probability that the sentenced defendant would have been acquitted or would have received a lesser sentence if the DNA evidence had been admitted at trial.

(g) If the court orders DNA testing of the physical evidence, the cost of such testing may be assessed against the sentenced defendant unless he or she is indigent. If the sentenced defendant is indigent, the state shall bear the cost of the DNA testing ordered by the court.

(h) Any DNA testing ordered by the court shall be carried out by the Department of Law Enforcement or its designee, as provided in s. 943.3251.

(i) The results of the DNA testing ordered by the court shall be provided to the court, the sentenced defendant, and the prosecuting authority.

(3) RIGHT TO APPEAL; REHEARING.--

(a) An appeal from the court's order on the petition for postsentencing DNA testing may be taken by any adversely affected party.

(b) An order denying relief shall include a statement that the sentenced defendant has the right to appeal within 30 days after the order denying relief is entered.

(c) The sentenced defendant may file a motion for rehearing of any order denying relief within 15 days after service of the order denying relief. The time

for filing an appeal shall be tolled until an order on the motion for rehearing has been entered.

(d) The clerk of the court shall serve on all parties a copy of any order rendered with a certificate of service, including the date of service.

(4) PRESERVATION OF EVIDENCE.--

(a) Governmental entities that may be in possession of any physical evidence in the case, including, but not limited to, any investigating law enforcement agency, the clerk of the court, the prosecuting authority, or the Department of Law Enforcement shall maintain any physical evidence collected at the time of the crime for which a postsentencing testing of DNA may be requested.

~~(b) Except for a case in which the death penalty is imposed, the evidence shall be maintained for at least the period of time set forth in subparagraph (1)(b).~~ In a case in which the death penalty is imposed, the evidence shall be maintained for 60 days after execution of the sentence. In all other cases, a governmental entity may dispose of the physical evidence if the term of the sentence imposed in the case has expired and

~~(e) A governmental entity may dispose of the physical evidence before the expiration of the period of time set forth in paragraph (1)(b) if all of the conditions set forth below are met:~~

~~1. The governmental entity notifies all of the following individuals of its intent to dispose of the evidence: the sentenced defendant, any counsel of record, the prosecuting authority, and the Attorney General.~~

~~2. The notifying entity does not receive, within 90 days after sending the notification, either a copy of a petition for postsentencing DNA testing filed pursuant to this section or a request that the evidence not be destroyed because the sentenced defendant will be filing the petition before the time for filing it has expired.~~

~~3. no other provision of law or rule requires that the physical evidence be preserved or retained.~~

Section 2. Section 925.12, Florida Statutes, is created to read:

925.12 DNA testing; defendants entering pleas.--

(1) For defendants who have entered a plea of guilty or nolo contendere to a felony on or after July 1, 2006, a defendant may petition for postsentencing DNA testing under s. 925.11 under the following circumstances:

(a) The facts on which the petition is predicated were unknown to the petitioner or the petitioner's attorney at the time the plea was entered and could not have been ascertained by the exercise of due diligence; or

(b) The physical evidence for which DNA testing is sought was not disclosed to the defense by the state prior to the entry of the plea by the petitioner.

(2) For defendants seeking to enter a plea of guilty or nolo contendere to a felony on or after July 1, 2006, the court shall inquire of the defendant and of counsel for the defendant and the state as to physical evidence containing DNA known to exist that could exonerate the defendant prior to accepting a plea of guilty or nolo contendere. If no physical evidence containing DNA that could exonerate the defendant is known to exist, the court may proceed with consideration of accepting the plea. If physical evidence containing DNA that could exonerate the defendant is known to exist, the court may postpone the proceeding on the defendant's behalf and order DNA testing upon motion of counsel specifying the physical evidence to be tested.

(3) It is the intent of the Legislature that the Supreme Court adopt rules of procedure consistent with this section for a court, prior to the acceptance of a plea, to make an inquiry into the following matters:

(a) Whether counsel for the defense has reviewed the discovery disclosed by the state and whether such discovery included a listing or description of physical items of evidence.

(b) Whether the nature of the evidence against the defendant disclosed through discovery has been reviewed with the defendant.

(c) Whether the defendant or counsel for the defendant is aware of any physical evidence disclosed by the state for which DNA testing may exonerate the defendant.

(d) Whether the state is aware of any physical evidence for which DNA testing may exonerate the defendant.

(4) It is the intent of the Legislature that the postponement of the proceedings by the court on the defendant's behalf under subsection (2)

constitute an extension attributable to the defendant for purposes of the defendant's right to a speedy trial.

Section 3. Rule 3.853, Florida Rules of Criminal Procedure, is repealed to the extent it is inconsistent with this act.

Section 4. This act shall take effect upon becoming a law and shall apply retroactively to October 1, 2005; but section 3 shall take effect only if this act is passed by the affirmative vote of two-thirds of the membership of each house of the Legislature.

===== T I T L E A M E N D M E N T =====

Remove lines 15-43 and insert:

require that the evidence be retained; creating s. 925.12, F.S.; providing for postsentencing DNA testing under specified circumstances; requiring a court to make specified inquiries of a defendant seeking to enter a plea of guilty or nolo contendere to a felony; providing legislative intent that the Supreme Court adopt certain rules; providing that a postponement for specified reasons be considered attributable to the defendant for speedy trial purposes; repealing a specified Florida Rule of Criminal Procedure; providing retroactive and certain contingent effect; providing effective dates.

Rep. Quinones moved the adoption of the amendment, which was adopted. The vote was:

Session Vote Sequence: 810

Representative Smith in the Chair.

Yeas—83

Ambler	Davis, M.	Holloway	Quinones
Anderson	Detert	Hukill	Rice
Antone	Domino	Jennings	Richardson
Arza	Evers	Jordan	Robaina
Attkisson	Farkas	Joyner	Roberson
Ausley	Fields	Justice	Rubio
Barreiro	Flores	Kendrick	Ryan
Bean	Galvano	Legg	Sands
Bendross-Mindingall	Gannon	Llorente	Sansom
Bilirakis	Garcia	Lopez-Cantera	Seiler
Bogdanoff	Gardiner	Machek	Slosberg
Bowen	Gelber	Mahon	Smith
Brandenburg	Gibson, A.	Mayfield	Sobel
Brutus	Goodlette	McInvale	Stansel
Bucher	Gottlieb	Meadows	Taylor
Bullard	Grant	Mealor	Traviesa
Cannon	Greenstein	Peterman	Vana
Coley	Grimsley	Pickens	Waters
Culp	Hasner	Planas	Williams
Cusack	Hays	Porth	Zapata
Davis, D.	Henriquez	Proctor	

Nays—29

Adams	Cretul	Kravitz	Russell
Allen	Dean	Kyle	Simmons
Altman	Gibson, H.	Littlefield	Sorensen
Baxley	Glorioso	Murzin	Stargel
Benson	Goldstein	Negron	Troutman
Berfield	Harrell	Reagan	
Brown	Homan	Rivera	
Brummer	Johnson	Ross	

Votes after roll call:

Yeas—Kreegel, Patterson

Nays to Yeas—Allen

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

REPRESENTATIVE GREENSTEIN IN THE CHAIR

Motion

On motion by Rep. Goodlette, the House agreed to take up HB 189 and HB 439 for consideration out of order.

HB 189 was taken up. On motion by Rep. Williams, CS for SB 162 was substituted for HB 189. Under Rule 5.14, the House bill was laid on the table.

CS for SB 162—A bill to be entitled An act relating to building designations; designating the Department of Environmental Protection building and laboratory on the site at 2600 Blair Stone Road in Tallahassee as the "Bob Martinez Center"; directing the Department of Management Services to erect suitable markers; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 439 was taken up. On motion by Rep. Planas, CS for SB 746 was substituted for HB 439. Under Rule 5.14, the House bill was laid on the table.

CS for SB 746—A bill to be entitled An act relating to certificates of birth and death; creating "Katherine's Law"; amending s. 382.002, F.S.; providing definitions; amending s. 382.008, F.S.; authorizing the State Registrar of the Office of Vital Statistics of the Department of Health to receive electronically the certificate of death or fetal death which is required to be filed with the local registrar; creating s. 382.0085, F.S.; requiring the Department of Health to issue a certificate of birth resulting in stillbirth upon request of specified parent; requiring that the person required to file the fetal death certificate advise a parent of a stillborn child about the availability of a certificate of birth resulting in stillbirth; requiring that the person required to file the fetal death certificate inform a parent of a stillborn child that copies of the birth certificate resulting in stillbirth may be available as a public record; requiring the use of a form prescribed by the Department of Health and the provision of specified information to request a certificate of birth resulting in stillbirth; providing requirements for the certificate of birth resulting in stillbirth; designating the certificate of birth resulting in stillbirth as a public record; authorizing a parent to request a certificate of birth resulting in stillbirth without regard to the date on which the certificate of fetal death was issued; designating the refusal to issue a certificate of birth resulting in stillbirth to certain persons as final agency action that is not subject to administrative review; prohibiting the use of certificates of birth resulting in stillbirth to calculate live birth statistics; prohibiting provisions from being used in certain civil actions; authorizing rulemaking by the Department of Health for the certificate of birth resulting in stillbirth; amending s. 382.013, F.S.; authorizing the State Registrar of the Office of Vital Statistics of the Department of Health to receive electronically the birth certificate for each live birth that is required to be filed with the local registrar; amending s. 382.0255, F.S.; authorizing the Department of Health to collect fees for a certificate of birth resulting in stillbirth; providing an effective date.

—was read the second time by title. On motion by Rep. Planas, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 811

Representative Greenstein in the Chair.

Yeas—118

Adams	Bilirakis	Cusack	Gibson, A.
Allen	Bogdanoff	Davis, D.	Gibson, H.
Altman	Bowen	Davis, M.	Glorioso
Ambler	Brandenburg	Dean	Goldstein
Anderson	Brown	Detert	Goodlette
Antone	Brummer	Domino	Gottlieb
Arza	Brutus	Evers	Grant
Attkisson	Bucher	Farkas	Greenstein
Ausley	Bullard	Fields	Grimsley
Barreiro	Cannon	Flores	Harrell
Baxley	Carroll	Galvano	Hasner
Bean	Clarke	Gannon	Hays
Bendross-Mindingall	Coley	Garcia	Henriquez
Benson	Cretul	Gardiner	Holloway
Berfield	Culp	Gelber	Homan

Hukill	Machek	Quinones	Slosberg
Jennings	Mahon	Reagan	Smith
Johnson	Mayfield	Rice	Sobel
Jordan	McInvale	Richardson	Sorensen
Joyner	Meadows	Rivera	Stansel
Justice	Mealor	Robaina	Stargel
Kendrick	Murzin	Roberson	Taylor
Kottkamp	Negron	Ross	Traviesa
Kravitz	Patterson	Rubio	Troutman
Kreegel	Peterman	Russell	Vana
Kyle	Pickens	Ryan	Waters
Legg	Planas	Sands	Williams
Littlefield	Poppell	Sansom	Zapata
Llorente	Porth	Seiler	
Lopez-Cantera	Proctor	Simmons	

Nays—None

So the bill passed and was certified to the Senate.

Motion

On motion by Rep. Goodlette, the House agreed to take up CS for SB 162 for consideration.

CS for SB 162—A bill to be entitled An act relating to building designations; designating the Department of Environmental Protection building and laboratory on the site at 2600 Blair Stone Road in Tallahassee as the "Bob Martinez Center"; directing the Department of Management Services to erect suitable markers; providing an effective date.

—was taken up, having been read the second time earlier today.

On motion by Rep. Goodlette, the rules were waived and CS for SB 162 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 812

Representative Greenstein in the Chair.

Yeas—118

Adams	Culp	Homan	Proctor
Allen	Cusack	Hukill	Quinones
Altman	Davis, D.	Jennings	Reagan
Ambler	Davis, M.	Johnson	Rice
Anderson	Dean	Jordan	Richardson
Antone	Detert	Joyner	Rivera
Arza	Domino	Justice	Robaina
Attkisson	Evers	Kendrick	Roberson
Ausley	Farkas	Kottkamp	Ross
Barreiro	Fields	Kravitz	Rubio
Baxley	Flores	Kreegel	Russell
Bean	Galvano	Kyle	Ryan
Bendross-Mindingall	Gannon	Legg	Sands
Bense	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Seiler
Berfield	Gelber	Lopez-Cantera	Simmons
Bilirakis	Gibson, A.	Machek	Slosberg
Bogdanoff	Gibson, H.	Mahon	Smith
Bowen	Glorioso	Mayfield	Sobel
Brandenburg	Goldstein	McInvale	Stansel
Brown	Goodlette	Meadows	Stargel
Brummer	Gottlieb	Mealor	Taylor
Brutus	Grant	Murzin	Traviesa
Bucher	Greenstein	Negron	Troutman
Bullard	Grimsley	Patterson	Vana
Cannon	Harrell	Peterman	Waters
Carroll	Hasner	Pickens	Williams
Clarke	Hays	Planas	Zapata
Coley	Henriquez	Poppell	
Cretul	Holloway	Porth	

Nays—None

Votes after roll call:

Yeas—Sorensen

So the bill passed and was certified to the Senate.

Immediately Certified

On motion by Rep. Goodlette, the rules were waived and **HB 919**, which passed the House earlier today, was immediately certified to the Senate.

HB 687—A bill to be entitled An act relating to public records; amending s. 119.0712, F.S.; providing an exemption from public records requirements for personal identifying information, names, addresses, birth dates, social security numbers, phone numbers, and license numbers contained in records maintained by the Division of Licensing of the Department of Agriculture and Consumer Services of individuals who have applied for or received a license to carry a concealed weapon or firearm; providing for disclosure of such information under specified conditions; providing for review and repeal; providing a statement of public necessity; providing an effective date.

The State Administration Council recommended the following:

HB 687 CS—A bill to be entitled An act relating to public records; creating s. 790.0601, F.S.; creating an exemption from public records requirements for certain personal identifying information held by the Division of Licensing of the Department of Agriculture and Consumer Services; providing for retroactive application of the exemption; providing for disclosure of such information under specified conditions; providing that a commercial entity that releases confidential and exempt information to an entity other than a law enforcement agency or a federal homeland security agency shall be subject to a fine; providing for enforcement with respect to such fines; providing for deposit of such fines; providing for review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Representative(s) Adams offered the following:

(Amendment Bar Code: 492873)

Amendment 1 (with title amendment)—Remove lines 45 through 57

===== T I T L E A M E N D M E N T =====

Remove lines 13 through 18 and insert:

providing for review and repeal;

Rep. Adams moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Goodlette, consideration of **HB 285** was temporarily postponed.

HB 425 was taken up. On motion by Rep. Mahon, CS for SB 1170 was substituted for HB 425. Under Rule 5.14, the House bill was laid on the table.

CS for SB 1170—A bill to be entitled An act relating to the Florida Trust Code; creating parts I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, and XIII of chapter 736, F.S.; providing a short title; providing general provisions and definitions; providing for judicial proceedings; providing for representations; providing for creation, validity, modification, and termination of trusts; providing for creditors' claims; providing for spendthrift, discretionary, and revocable trusts; providing for the office of trustee; providing for powers and duties of the trustee; providing for trust investments; providing for liability of trustee and rights of persons dealing with trustee; providing for rules of construction; providing for charitable trusts; providing miscellaneous provisions; creating s. 518.117, F.S.; authorizing investment of certain fiduciary funds by certain fiduciaries; amending s. 660.25, F.S.; providing a definition of the term "investment instrument"; amending s. 660.417, F.S.;

revising provisions relating to investment of fiduciary funds in investment instruments by certain banks or trust companies; creating s. 689.175, F.S.; abolishing the worthier title doctrine; providing construction of certain instrument language; amending s. 731.103, F.S.; correcting a cross-reference; providing construction relating to establishment of death by certain evidence under certain circumstances; creating s. 731.1035, F.S.; providing for application of rules of evidence in civil actions to certain proceedings; amending s. 731.201, F.S.; revising definitions; conforming terms and correcting cross-references; amending s. 731.303, F.S.; specifying nonapplication of certain orders relating to powers of revocation and powers of appointment; revising provisions relating to representation by a holder of a power of appointment; amending s. 732.513, F.S.; deleting a ground protecting a devise's validity; amending s. 732.603, F.S.; revising provisions relating to antilapse, deceased devisees, and class gifts; amending s. 744.331, F.S.; revising provisions relating to orders determining incapacity; amending s. 744.441, F.S.; revising authority of certain guardians to prosecute or defend claims or proceedings for certain purposes; specifying duties of a court; creating s. 744.462, F.S.; providing requirements for judicial determinations relating to alternatives to guardianship; providing duties of a court; amending ss. 497.458, 607.0802, 617.0802, 660.46, 660.418, 689.071, 689.075, 709.08, 721.08, 721.53, 732.2075, 732.604, 732.611, 733.212, 733.602, 733.805, 733.817, 738.104, 738.1041, 738.202, 739.102, and 744.361, F.S., to conform terms and correct cross-references; repealing ss. 737.101, 737.105, 737.106, 737.111, 737.115, and 737.116, constituting part I of ch. 737, F.S., relating to trust registration; repealing ss. 737.201, 737.202, 737.203, 737.2035, 737.204, 737.2041, 737.205, 737.206, 737.2065, 737.207, 737.208, and 737.209, constituting part II of ch. 737, F.S., relating to jurisdiction of courts; repealing ss. 737.301, 737.302, 737.303, 737.3035, 737.304, 737.305, 737.3053, 737.3054, 737.3055, 737.306, 737.3061, 737.307, 737.308, and 737.309, constituting part III of ch. 737, F.S., relating to duties and liabilities of trustees; repealing ss. 737.401, 737.402, 737.4025, 737.403, 737.4031, 737.4032, 737.4033, 737.404, 737.405, and 737.406, constituting part IV of ch. 737, F.S., relating to powers of trustees; repealing ss. 737.501, 737.502, 737.503, 737.504, 737.505, 737.506, 737.507, 737.508, 737.509, 737.510, 737.511, and 737.512, constituting part V of ch. 737, F.S., relating to charitable trusts; repealing ss. 737.6035, 737.621, 737.622, 737.623, 737.624, 737.625, 737.626, and 737.627, consisting of part VI of ch. 737, F.S., relating to rules of construction of trust administration; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 649 was taken up. On motion by Rep. Hasner, CS for SB 1620 was substituted for HB 649. Under Rule 5.14, the House bill was laid on the table.

CS for SB 1620—A bill to be entitled An act relating to warranty associations; creating s. 634.042, F.S.; prohibiting a motor vehicle service agreement company from investing or lending company funds for specified purposes; amending s. 634.301, F.S.; revising a definition of "home warranty" to specify nonapplication to certain contracts or agreements; creating s. 634.3076, F.S.; prohibiting a home warranty association from investing or lending association funds for specified purposes; amending s. 634.3077, F.S.; specifying an additional requirement for contractual liability insurance purchased by a home warranty association; amending s. 634.312, F.S.; revising a prohibition against the Office of Insurance Regulation for nonapproval of certain forms; specifying cancellation requirements for home warranty contracts; providing return of premium requirements; authorizing an administrative fee; specifying refund amounts for a home warranty under certain circumstances; amending s. 634.336, F.S.; removing cancellation practices from the provisions that constitute unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.4062, F.S.; prohibiting a service warranty association from investing or lending association funds for specified purposes; repealing s. 634.345, F.S., relating to a buyer's right to cancel a home warranty; providing an effective date.

—was read the second time by title.

On motion by Rep. Hasner, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Hasner offered the following:

(Amendment Bar Code: 653671)

Amendment 1 (with title amendment)—On page 2, between line(s) 5 and 6, insert:

Section 1. Subsection (6) is added to section 634.031, Florida Statutes, to read:

634.031 License required.--

(6) Any person that is an affiliate of a licensed motor vehicle service agreement company which is domiciled in this state and which uses contractual liability insurance to qualify with the requirements of s. 634.041 is exempt from application of this part if the person does not issue, market, or cause to be marketed motor vehicle service agreements to residents of this state and does not administer motor vehicle service agreements that were originally issued to residents of this state. Any affiliated person operating from this state under this subsection must use a licensed motor vehicle service agreement company to administer all service agreements issued by such person in other states. If the office determines, after notice and opportunity for hearing in accordance with s. 120.569, that a person's intentional business practices do not comply with any part of the exemption requirements of this subsection, the person shall be subject to this part. The motor vehicle service agreement company shall be liable for all acts of and responsible for all violations of this part by an affiliated person operating from this state.

===== T I T L E A M E N D M E N T =====

On page 1, line(s) 2 and 3,

insert: amending s. 634.031, F.S.; exempting certain licensed motor vehicle service agreement company affiliates from application of motor vehicle service agreement requirements under certain circumstances; providing criteria and requirements for the exemption; providing a circumstance for denying the exemption and subjecting the affiliate to such requirements; providing certain liability;

THE SPEAKER IN THE CHAIR

Rep. Hasner moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion

On motion by Rep. Goodlette, the rules were waived and the House agreed to take up **HB 55** for consideration.

HB 55—A bill to be entitled An act relating to the restoration of civil rights; requiring that the administrator of a county detention facility provide an application form for the restoration of civil rights to a prisoner who has been convicted of a felony and is serving a sentence in that facility; authorizing the use of volunteers to assist the prisoner in completing the application; providing that this act shall not apply to prisoners who are transferred to the Department of Corrections; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 795—A bill to be entitled An act relating to student financial assistance; creating s. 1009.701, F.S.; creating the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned college degrees; providing for appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing duties of state universities participating in

the program; requiring the Board of Governors to adopt rules; providing an effective date.

The Education Council recommended the following:

HB 795 CS—A bill to be entitled An act relating to student financial assistance; creating s. 1009.701, F.S.; creating the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned a baccalaureate degree; providing for appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing the basis for the amount of awards; providing duties of institutions participating in the program; creating s. 1009.255, F.S.; providing an out-of-state fee exemption; providing eligibility criteria; providing for distribution of the exemption; limiting participation in the program; requiring the Department of Education to administer the exemption program; prohibiting use of the exemption for certain purposes; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

Motions Relating to Council and Committee References

On motion by Rep. Negron, by the required two-thirds vote, HB 1563 was withdrawn from the Judiciary Appropriations Committee and remains referred to the State Administration Council; and HB 1357 was withdrawn from the Transportation & Economic Development Appropriations Committee and remains referred to the State Infrastructure Council.

Motion to Adjourn

Rep. Rubio moved that the House adjourn for the purpose of receiving reports, holding council and committee meetings, and conducting other House business, to reconvene at 9:00 a.m., Friday, April 21, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 191.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 193 by the required Constitutional two-thirds vote of all members present.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Meadows:

Yeas—April 19: 769

Yeas to Nays—April 19: 769

Cosponsors

HB 45—Farkas
 HB 55—Bucher
 HB 127—Sansom
 HB 129—Murzin
 HB 141—Llorente, Rice
 HB 173—Williams
 HB 175—Quinones
 HB 189—Homan
 HB 255—Bucher
 HB 311—Roberson
 HJR 353—Zapata
 HB 371—Sansom
 HB 425—Seiler
 HB 439—Homan
 HB 461—Ambler
 HB 535—Grimsley
 HB 583—Sansom
 HJR 631—Altman, Homan, Poppell, Reagan
 HB 661—Zapata
 HB 669—Sansom
 HB 737—Clarke
 HB 743—Murzin, Waters
 HB 789—Sansom
 HB 795—Antone, Bucher, Homan, Llorente
 HB 805—Gannon
 HB 871—Homan
 HB 881—Brutus
 HB 901—Domino
 HB 919—Ambler, Kottkamp, Reagan
 HB 947—Homan
 HB 977—Bullard
 HB 1093—Sobel
 HB 1141—Sansom
 HB 1145—Benson, Goldstein, Traviesa
 HB 1171—Kravitz
 HB 1247—Sobel

HB 1261—Brutus
 HB 1347—Sansom
 HB 1363—Harrell, Seiler, Taylor
 HB 1409—Sobel
 HB 1589—Bullard
 HB 1605—Roberson
 HB 1611—Henriquez
 HB 1623—Sobel
 HB 7119—Ambler, Stargel
 HB 7139—Sobel
 HR 9047—Rivera

Cosponsors of Combined Bills

HCB 6003 (for HBs 515, 589)—Sansom

House Resolutions Adopted by Publication

At the request of Rep. Culp—

HR 9041—A resolution recognizing April 20, 2006, as "Lowry Park Zoo Day" in Florida.

WHEREAS, the 2004 Legislature recognized Lowry Park Zoo in Tampa, Hillsborough County, as the state center for Florida species conservation and biodiversity, and

WHEREAS, Lowry Park Zoo, a participant in the Species Survival Plan national breeding program managed by the American Zoo and Aquarium Association, created a Safari Africa habitat and brought five African elephants, including "Ellie," to the zoo for safekeeping in 2003, and

WHEREAS, on October 17, 2005, Ellie gave birth to a 205-pound male calf, which was the first African elephant born at the zoo and which was named "Tamani," a Swahili word meaning "to hope," a name proposed by Sarah Eicher's second grade class at Frontier Elementary School in Clearwater and selected, through online voting, from among the five suggested names that had been ranked highest, and

WHEREAS, Lowry Park Zoo, the top-attended zoo in the Southeastern United States in 2004, is a stellar example of an exceptionally successful public-private partnership, consistently maintaining an entrepreneurial and ever-enthusiastic spirit while raising 80 percent of its annual budget based on earned revenue, and

WHEREAS, in endeavoring to connect people with the living earth and playing an active role in conservation and environmental issues affecting animals and their habitats in Florida and throughout the world, Lowry Park Zoo serves as a superb educational resource and an exciting attraction for its guests, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives salutes Lowry Park Zoo for its outstanding contributions to the State of Florida and designates April 20, 2006, as "Lowry Park Zoo Day" in Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Lowry Park Zoo as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Glorioso—

HR 9063—A resolution honoring Hillsborough County's 2005 Award Winners of the Florida Migrant Interstate Program.

WHEREAS, the Florida Migrant Interstate Program, an entity of the Florida Department of Education that annually recognizes certain individuals for their achievements as scholars or as recruiters, teachers, or administrators, has recognized five of the 2005 award winners as being from Hillsborough County, and

WHEREAS, the female Exemplary Migrant Scholar of the Year, Erica Reynoso, graduated 65th in a class of 512 at Durant High School, while taking 29 honor classes, 2 advanced placement classes, and 2 dual enrollment courses with Hillsborough Community College while tutoring middle school students and while working in the strawberry fields and the local supermarket, and

WHEREAS, the male Exemplary Migrant Scholar of the Year, Emanuel Lucas, also a Durant graduate, has worked in the fields since the age of 10; was the first migrant student at Durant to be President of the French Club; was the first to make the varsity football team while also volunteering in the community; and now attends the University of South Florida, and

WHEREAS, the Migrant Recruiter of the Year, Rogelio Villanueva, of Plant City, is active with the Redlands Christian Migrant Association and on several related committees while collecting and making accessible to migrant families information as to available housing, medical, educational, and job resources, and

WHEREAS, the Migrant Teacher/Educator of the Year is Juanita Cannon, who has spent the past 27 years helping migrant children and families gain access to medical, health, social, and academic services provided by the School District of Hillsborough County Migrant Program, and

WHEREAS, the Migrant Administrator of the Year, Dr. Ann Cranston, oversees the College Assistance Migrant Program at the University of South Florida, which provides to migratory children financial assistance toward the completion of college, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives commends Erica Reynoso, Emanuel Lucas, Rogelio Villanueva, Juanita Cannon, and Dr. Ann Cranston for their outstanding accomplishments and enthusiastically endorses the recognition by the Florida Migrant Interstate Program of these five extraordinary people.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to each award recipient as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. H. Gibson—

HR 9105—A resolution recognizing April 16-22, 2006, as "Alzheimer's Disease Initiative Week" in Florida.

WHEREAS, the Florida Legislature created the Alzheimer's Disease Initiative in 1985 to help families dealing with Alzheimer's and related memory disorders by providing links connecting policy, research, and practice, and the initiative, celebrating its 20th anniversary this year, has grown into a statewide network that includes fifteen regional memory disorder clinics conducting research and training in diagnostic and therapeutic settings, and

WHEREAS, there are 435,000 cases of probable Alzheimer's disease in this state, and it is estimated that more than 100,000 Floridians have received services from Alzheimer's Disease Initiative programs within the last 10 years alone, and

WHEREAS, Alzheimer's respite care programs are operating in all of the state's 67 counties; four model day care programs have been established in conjunction with memory disorder clinics to test therapeutic interventions for people living with memory disorders and to provide training for health care and social service personnel; and the Alzheimer's Disease Brain Bank, a service and research oriented network, is involved in a variety of research activities, and

WHEREAS, the Alzheimer's Disease Advisory Committee has taken a leadership role in developing policy recommendations and best practice models to help educate Florida's elders, caregivers, and health care professionals about critical issues affecting people with memory disorders, including an ethics-based policy on driver safety and progressive dementia, a protocol for dealing with behavioral challenges and catastrophic events affecting persons with dementia who are living in nursing homes, and recommendations for specialized care needs for persons with Alzheimer's and related memory disorders and their caregivers who are affected by natural disasters, and

WHEREAS, the only program of its kind in the nation when it was established in 1985, the Alzheimer's Disease Initiative continues to maintain that distinction today, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes the week of April 16-22, 2006, as "Alzheimer's Disease Initiative Week" in Florida.

—was read and adopted by publication pursuant to Rule 10.16.

Reports of Councils and Standing Committees

Received April 19:

The State Administration Council reported the following favorably:
HB 13

The above bill was placed on the Calendar of the House.

The State Administration Council reported the following favorably:
HB 133

The above bill was placed on the Calendar of the House.

The Local Government Council reported the following favorably:
HB 245

The above bill was transmitted to the next council or committee of reference, the Fiscal Council.

The State Administration Council reported the following favorably:
HB 373

The above bill was placed on the Calendar of the House.

The Local Government Council reported the following favorably:
HB 731

The above bill was transmitted to the next council or committee of reference, the Fiscal Council.

The Local Government Council reported the following favorably:
HB 897

The above bill was transmitted to the next council or committee of reference, the Fiscal Council.

The Commerce Council reported the following favorably:
HB 1079 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Local Government Council reported the following favorably:
HB 1191

The above bill was transmitted to the next council or committee of reference, the Finance & Tax Committee.

The State Infrastructure Council reported the following favorably:
HB 1465 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Finance & Tax Committee reported the following favorably:
HB 1483 with committee substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Infrastructure Council reported the following favorably:
HB 1489 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Governmental Operations Committee reported the following favorably:
HB 1563 with committee substitute

The above bill was transmitted to the next council or committee of reference, the State Administration Council, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 7233

The above bill was placed on the Calendar of the House.

Received April 20:

The Justice Council reported the following favorably:
HB 85 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 271 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 327 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 431 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 493 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Council reported the following favorably:
HB 535 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 849 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Council reported the following favorably:
HB 999 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 1037 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 1193 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Council reported the following favorably:
HB 1243 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Finance & Tax Committee reported the following favorably:
HB 1321 with committee substitute

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council, subject to review under Rule 6.3.

The Fiscal Council reported the following favorably:
HB 1363 with council substitute

The above bill was transmitted to the next council or committee of reference, the State Infrastructure Council, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 1443 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Local Government Council reported the following favorably:
HB 1447 with council substitute

The above bill was transmitted to the next council or committee of reference, the State Administration Council, subject to review under Rule 6.3.

The State Infrastructure Council reported the following favorably:
HB 1589 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 1593 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Council reported the following favorably:
HB 1619 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Justice Council reported the following favorably:
HB 7021 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Agriculture & Environment Appropriations Committee reported the following favorably:
HB 7075 with committee substitute

The above bill was transmitted to the next council or committee of reference, the State Resources Council, subject to review under Rule 6.3.

The State Administration Council reported the following favorably:
HB 7081 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Council reported the following favorably:
HB 7103 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The State Resources Council reported the following favorably:
HB 7159 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 7237 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

Excused

Rep. Needelman

The following Conference Committee Managers were excused from time to time:

HB 5001 and related legislation (HB5003, HB 5005, HB 5007, HB 5009, HB 5011, HB 5013, HB 5017, HB 5019, HB 5021, and HB 5023): At Large—Rep. Negron (Chair), Rep. Mahon (Vice Chair), and Reps. Gardiner, Waters, Goodlette, Rubio, Bowen, Brummer, Simmons, Greenstein, Jennings, Seiler, Ryan, and Sansom; Agriculture & Environment—Rep. Mayfield (Chair), and Reps. Brown, Littlefield, Hays, Poppell, Machek, Stansel, Kendrick (Alternate), Williams, Evers, and Allen; Education—Rep. Pickens (Chair), and Reps. Rivera, Attkisson, Baxley, Flores, Altman, Arza, Stargel, Vana, Bendross-Mindingall, Richardson, Justice (Alternate), Patterson, Coley, and Meador; Health Care—Rep. Bean (Chair), and Reps. Benson, Cannon, Farkas, Galvano, Garcia, Murzin, Gannon, Sobel, Grimsley (Alternate), Roberson (Alternate), Grant, and Hukill; Criminal Justice—Rep. Barreiro (Chair), and Reps. Adams, Ambler, Needelman, Joyner, and Porth; Judiciary—Rep. Kottkamp (Chair), and Reps. Ross (Alternate), Planas, Gelber, Zapata, and Quinones; State Administration—Rep. Berfield (Chair), and Reps. Carroll, Kreegel, Reagan, Lopez-Cantera (Alternate), A. Gibson (Alternate), Taylor, and Holloway; Transportation & Economic Development—Rep. D. Davis (Chair), and Reps. M. Davis, Kravitz, Llorente, Traviesa, Ausley, Cusack, McInvale (Alternate), and Bogdanoff.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 12:18 p.m., to reconvene at 9:00 a.m., Friday, April 21, or upon call of the Chair.